

SHELTON TRAILS COMMITTEE

February 2, 2011

Honorable Representative Larry Miller, 122nd District
Honorable Representative Jason Perillo, 113th District
Honorable Senator Kevin Kelly, 21st District
Honorable Governor Daniel Malloy,

**Re: S.B. No. 831 AN ACT CONCERNING MUNICIPAL LIABILITY FOR
RECREATIONAL ACTIVITIES ON CERTAIN OPEN SPACE LANDS.**

Gentlemen,

The Shelton Trails Committee is **Supporting S.B. No. 831** and similar legislation to improve liability protection for municipalities who encourage the use of open space for passive recreation.

In addition, we would like to see **that liability protection extended to utility companies** who also allow their land to be used for passive recreation, **and extended to volunteers** who improve or promote open space and natural recreation on private, public, or utility company lands.

The Shelton Trails Committee is a long-standing group of volunteers acting on behalf of the City of Shelton in organizing and promoting improved public access to open space and greenways. The work of volunteers saves the City of Shelton tens of thousands of dollars each year, and has been instrumental in creating one of the best municipal trail and greenway programs in Connecticut.

This summer a jury awarded nearly \$3 million dollars to a mountain biker who severely injured herself riding into a gate on a utility company access road (Blonski versus Metropolitan District Commission). The jury was convinced that since the MDC was a municipally-owned utility company they were not protected from liability under the current act (**CGS Section 52-557f - Landowner Liability for Recreational use of Land**). This act currently provides a fair and reasonable level of protection to private landowners who allow people to use their land, but does not protect municipalities and some utility companies.

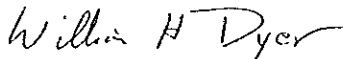
The current proposed bill would protect municipalities, but does not specifically mention utility companies or volunteers. The City of Shelton has worked closely with Aquarion Water Company, Iroquois Gas Transmission Company, Connecticut Light & Power, and United Illuminating Company to install gates to control illegal dumping and prevent ATV access along Shelton open space. Both the City and these utility companies are currently

exposed to exactly the same huge awards as in the Blonski vs. MDC lawsuit, and that can have an adverse impact on Shelton's Open Space Program.

We would also like to see the act expanded to provide liability protection to volunteers who lead or participate in activities to improve or promote the use of open space for public recreation; such as trail work parties, guided hikes, canoe trips, etc. Shelton's award-winning open space program is frequently cited as a model for the rest of the state, but much of that success depends on the efforts of volunteers. The Blonski vs. MDC case illustrates that anybody can get dragged into one of these lawsuits, and we want to strengthen the law to protect people who volunteer to improve the quality of life in their communities.

Summary: We think that extending the current liability protections enjoyed by the private sector to municipalities, utility companies, and volunteers is clearly in the public interest in meeting Connecticut's goals for open space protection. All outdoor recreation carries with it a mix of risk and personal responsibility. It is up to each of us as individuals to balance and manage that risk while enjoying the outdoors. We support efforts to improve our state's laws to recognize that balance and continue to promote the use of public open space for passive recreation. Thank you for your attention to this issue.

Sincerely,
Shelton Trails Committee



Bill Dyer, Chairman
Terrance Gallagher, Lynn Reid, Sheri Dutkanicz, James Taradine, and Richard Skudlarek

Cc: Mayor Mark Lauretti
Shelton Board of Aldermen
Shelton Conservation Commission
Shelton Parks and Recreation Commission
Thomas Welch, City Attorney